

AMENDED IN ASSEMBLY JULY 19, 2004
AMENDED IN ASSEMBLY JUNE 14, 2004
AMENDED IN ASSEMBLY APRIL 26, 2004
AMENDED IN SENATE JANUARY 5, 2004
AMENDED IN SENATE MARCH 13, 2003

SENATE BILL

No. 136

Introduced by Senator Figueroa

February 5, 2003

An act to amend Sections 473.6, 474, 1645.1, 2220.1, ~~2531~~ 2439, ~~2531~~, ~~2531.1~~, 2570.19, ~~2725~~, 3014.6, 4200.3, 4928, 4934, 4980.40, 4980.50, 4984.7, 4986.21, 4986.80, 4992.1, 4996.3, 4996.4, 5081.1, 5082.2, 5083, 5084, and 7303.2 of, to amend and renumber Section 3010.1 of, to amend and repeal Sections 5090, 5092, and 5093 of, and to amend the heading of Division 1.2 (commencing with Section 473) of, the Business and Professions Code, to amend *Section 94799.1 of the Education Code*, to amend and repeal Sections 12231 and 14999 of the Government Code, to amend and repeal Section 80.2 of the ~~Harbor~~ *Harbors and Navigation Code*, and to amend and repeal Section 5090.15 of the Public Resources Code, relating to professions and commissions, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 136, as amended, Figueroa. Professions and commissions.
(1) Existing law provides for a Joint Committee on Boards, Commissions, and Consumer Protection and authorizes the chairperson

of a policy committee to refer to that committee any legislative issues or proposals that would have specified effects, including those that would increase licensing requirements.

This bill would authorize referral where the issues or proposals would make any change to licensing requirements or would modify the scope of practice.

(2) Existing law requires a person with a registered dental assistant license to, on or before January 1, 2005, provide evidence of having successfully completed board approved courses in radiation safety and coronal polishing.

This bill would instead require the evidence to be provided on or before January 1, 2006. The bill would require the holder of an inactive license to comply with this requirement only as a condition of returning his or her license to active status.

(3) *Existing law exempts a physician and surgeon licensed by the Medical Board of California from payment of a renewal fee if he or she has applied to the Division of Licensing for a retired license.*

This bill would require the board to refund any fees paid by a physician and surgeon who applied to convert from retired status to active status on or after January 1, 2004, but prior to January 1, 2005, except as specified. Existing law provides for a Medical Board of California Enforcement Program Monitor appointed by the Director of the California Medical Board. Existing law requires the board and its staff to provide the monitor with data, information, or case files requested by the monitor to perform his or her duties. Existing law requires the monitor to submit an initial written report of findings and conclusions to the board, the department and the Legislature prior to September 1, 2004, and requires the monitor to submit a final report prior to September 1, 2005.

This bill would provide that the provision of the data, information, or case files does not constitute a waiver of any exemption from disclosure or discovery or of applicable confidentiality protections or privileges. The bill would also change the deadline for submission of the initial written report to November 1, 2004, and the deadline for submission of the final report to November 1, 2005.

(4) Existing law, the Speech-Language Pathologists and Audiologists Licensure Act, provides for the licensing and regulation of speech-language pathologists and audiologists by the Speech-Language Pathology and Audiology Board, in the Department



of Consumer Affairs. These provisions will become inoperative on July 1, 2006, and will be repealed on January 1, 2007.

This bill would instead make these provisions inoperative on July 1, 2007, and repeal them on January 1, 2008.

Existing law provides for the appointment of 9 members to the Speech-Language Pathology and Audiology Board. It limits service on the board to 2 consecutive 4-year terms.

This bill would, for members appointed to a term beginning on November 1, 2004, stagger the terms of service on the board by revising the length of terms to one to 4 years, as specified, and would count that term for purposes of the 2 consecutive term limit.

(5) Existing law provides for the licensing and regulation of occupational therapists by the California Board of Occupational Therapy. These provisions will become inoperative on July 1, 2006, and will be repealed on January 1, 2007.

This bill would instead make these provisions inoperative on July 1, 2007, and repeal them on January 1, 2008.

(6) Existing law provides for the licensing and regulation of optometrists by the State Board of Optometry in the Department of Consumer Affairs, and provides for the appointment of an executive officer for the board. These provisions will become inoperative on July 1, 2006, and will be repealed on January 1, 2007.

This bill would instead make these provisions inoperative on July 1, 2008, and repeal them on January 1, 2009.

(7) Existing law provides for the licensing and regulation of acupuncturists by the Acupuncture Board, requires the board to employ necessary personnel, and provides for the appointment of an executive officer for the board. These provisions will become inoperative on July 1, 2005, and will be repealed on January 1, 2006.

This bill would instead make these provisions inoperative on July 1, 2006, and repeal them on January 1, 2007.

(8) Existing law provides for licensing and regulation of marriage and family therapists and clinical social workers by the Board of Behavioral Sciences. Existing law requires applicants for licensure in these professions to meet certain requirements, including authorizing an oral examination to be required of applicants. Existing law imposes certain examination fees on applicants, including fees for written and oral examinations.

This bill would revise provisions related to the oral examination and would instead require an applicant who is successful in passing the

written examination and who has not passed an oral examination to take and pass a clinical vignette written examination. The bill would establish the fee for taking the clinical vignette written examination at \$100 and the fee for reexamination at \$150. The bill would authorize the board to adjust all examination fees for these professions beginning on January 1, 2005, to reflect actual costs incurred in holding the examinations. The bill would make other related changes.

~~(9) Existing law provides for the licensing and regulation of registered nurses by the Board of Registered Nursing. Existing law provides that no state agency other than the board may define or interpret the practice of nursing.~~

~~This bill would authorize the State Department of Health Services to implement certain provisions by means of provider bulletin or similar instruction rather than by regulatory action.~~

~~(10) Existing law provides for licensing and regulation of accountants by the California Board of Accountancy. Existing law, until January 1, 2006, establishes various examination requirements for persons seeking a certified public accountant certificate from the board.~~

~~This bill would extend the operation of certain of these provisions until January 1, 2010. The bill would revise certain examination requirements and make various other changes.~~

~~(11)~~

~~(10) Existing law establishes the California Heritage Preservation Commission, the Commission for Economic Development, the Boating and Waterways Commission, and the Off-Highway Motor Vehicle Recreation Commission, with specified powers and duties.~~

~~This bill would terminate these commissions on July 1, 2006.~~

~~(12)~~

~~(11) Existing law establishes the Bureau for Private Postsecondary and Vocational Education in the Department of Consumer Affairs, and requires the bureau to make various determinations and to report to both the Director of Consumer Affairs and the Joint Committee on Boards, Commissions, and Consumer Protection by October 1, 2005.~~

~~This bill would instead require the bureau to report to those entities by March 1, 2005.~~

~~(12) This bill would incorporate additional changes in Section 5090.15 of the Public Resources Code proposed by AB 2666 that would become operative only if AB 2666 and this bill are both chaptered and become effective on or before January 1, 2005, and this bill is chaptered last.~~

(13) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The heading of Division 1.2 (commencing with Section 473) of the Business and Professions Code is amended to read:

DIVISION 1.2. JOINT COMMITTEE ON BOARDS,
COMMISSIONS, AND CONSUMER PROTECTION

SEC. 1.5. Section 473.6 of the Business and Professions Code is amended to read:

473.6. The chairpersons of the appropriate policy committees of the Legislature may refer to the Joint Committee on Boards, Commissions, and Consumer Protection for review of any legislative issues or proposals to create new licensure or regulatory categories, change licensing requirements, modify scope of practice, or create a new licensing board under the provisions of this code or pursuant to Chapter 1.5 (commencing with Section 9148) of Part 1 of Division 2 of Title 2 of the Government Code.

SEC. 1.7. Section 474 of the Business and Professions Code is amended to read:

474. The Joint Committee on Boards, Commissions, and Consumer Protection established pursuant to Section 473 shall review all state boards as defined in Section 9148.2 of the Government Code, ~~other than~~ *in addition to* boards subject to review pursuant to Chapter 1 (commencing with Section 473), every four years or over another time period as determined by the committee.

SEC. 2. Section 1645.1 of the Business and Professions Code is amended to read:

1645.1. (a) By January 1, 2006, a person who holds a registered dental assistant license shall provide evidence of having successfully completed board-approved courses in radiation safety and coronal polishing. The length and content of the courses shall be governed by applicable board regulations. Failure to

1 comply with this section shall result in automatic suspension of the
2 license, which shall be reinstated upon the receipt of evidence that
3 the licensee has successfully completed the required courses.
4 Completion of the courses may be counted toward fulfillment of
5 the continuing education requirements governed by Section 1645.

6 (b) The holder of an inactive registered dental assistant license
7 is only required to comply with subdivision (a) as a condition of
8 returning his or her license to active status.

9 SEC. 3. Section 2220.1 of the Business and Professions Code
10 is amended to read:

11 2220.1. (a) (1) The director shall appoint a Medical Board of
12 California Enforcement Program Monitor prior to March 31,
13 2003. The director may retain a person for this position by a
14 personal services contract, the Legislature finding, pursuant to
15 Section 19130 of the Government Code, that this is a new state
16 function.

17 (2) The director shall supervise the enforcement program
18 monitor and may terminate or dismiss him or her from this
19 position.

20 (b) The director shall advertise the availability of this position.
21 The requirements for this position include experience in
22 conducting investigations and familiarity with state laws, rules,
23 and procedures pertaining to the board and with relevant
24 administrative procedures.

25 (c) (1) The enforcement program monitor shall monitor and
26 evaluate the disciplinary system and procedures of the board,
27 making as his or her highest priority the reform and reengineering
28 of the board's enforcement program and operations and the
29 improvement of the overall efficiency of the board's disciplinary
30 system.

31 (2) This monitoring duty shall be performed on a continuing
32 basis for a period not exceeding two years from the date of the
33 enforcement program monitor's appointment and shall include,
34 but not be limited to, improving the quality and consistency of
35 complaint processing and investigation, reducing the timeframes
36 for completing complaint processing and investigation, reducing
37 any complaint backlog, assessing the relative value to the board of
38 various sources of complaints or information available to the
39 board about licensees in identifying licensees who practice
40 substandard care causing serious patient harm, assuring

1 consistency in the application of sanctions or discipline imposed
2 on licensees, and shall include the following areas: the accurate
3 and consistent implementation of the laws and rules affecting
4 discipline, appropriate application of investigation and
5 prosecution priorities, particularly with respect to priority cases,
6 as defined in Section 2220.05, board and Attorney General staff,
7 defense bar, licensee, and patients' concerns regarding
8 disciplinary matters or procedures, and the board's cooperation
9 with other governmental entities charged with enforcing related
10 laws and regulations regarding physicians and surgeons. The
11 enforcement program monitor shall also evaluate the method used
12 by investigators in the regional offices for selecting experts to
13 review cases to determine if the experts are selected on an impartial
14 basis and to recommend methods of improving the selection
15 process. The enforcement program monitor shall also evaluate the
16 effectiveness and efficiency of the board's diversion program and
17 make recommendations regarding the continuation of the program
18 and any changes or reforms required to assure that physicians and
19 surgeons participating in the program are appropriately monitored
20 and the public is protected from physicians and surgeons who are
21 impaired due to alcohol or drug abuse or mental or physical illness.

22 (3) The enforcement program monitor shall exercise no
23 authority over the board's discipline operations or staff; however,
24 the board and its staff shall cooperate with him or her, and the
25 board shall provide data, information, and case files as requested
26 by the enforcement program monitor to perform all of his or her
27 duties. The provision of confidential data, information, and case
28 files by the board to the enforcement program monitor at any time
29 after the appointment of the monitor shall not constitute a waiver
30 of any exemption from disclosure or discovery or of any
31 confidentiality protection or privilege otherwise provided by law
32 that is applicable to the data, information, or case files.

33 (4) The director shall assist the enforcement program monitor
34 in the performance of his or her duties, and the enforcement
35 program monitor shall have the same investigative authority as the
36 director.

37 (d) The enforcement program monitor shall submit an initial
38 written report of his or her findings and conclusions to the board,
39 the department, and the Legislature no later than November 1,
40 2004, and be available to make oral reports if requested to do so.

1 The initial report shall include an analysis of the sources of
2 information that resulted in each disciplinary action imposed since
3 January 1, 2003, involving priority cases, as defined in Section
4 2220.05. The enforcement program monitor may also provide
5 additional information to either the department or the Legislature
6 at his or her discretion or at the request of either the department or
7 the Legislature. The enforcement program monitor shall make his
8 or her reports available to the public or the media. The
9 enforcement program monitor shall make every effort to provide
10 the board with an opportunity to reply to any facts, findings, issues,
11 or conclusions in his or her reports with which the board may
12 disagree.

13 (e) The board shall reimburse the department for all of the costs
14 associated with the employment of an enforcement program
15 monitor.

16 (f) The enforcement program monitor shall issue a final report
17 prior to November 1, 2005. The final report shall include final
18 findings and conclusions on the topics addressed in the initial
19 report submitted by the monitor pursuant to subdivision (d).

20 (g) This section shall become inoperative on January 1, 2006,
21 and as of January 1, 2006, shall be repealed, unless a later enacted
22 statute, which is enacted before January 1, 2006, deletes or extends
23 the dates on which it becomes inoperative and is repealed.

24 *SEC. 3.5. Section 2439 of the Business and Professions Code*
25 *is amended to read:*

26 2439. (a) Every licensee is exempt from the payment of the
27 renewal fee and requirement for continuing medical education if
28 the licensee has applied to the Division of Licensing for a retired
29 license. The holder of a retired license may not engage in the
30 practice of medicine or the practice of podiatric medicine.

31 ~~(b) This section shall become operative on July 1, 2004. If a~~
32 ~~physician and surgeon has applied to convert from retired status~~
33 ~~to active status on or after January 1, 2004, but prior to January~~
34 ~~1, 2005, the fee to change license status shall be waived, unless the~~
35 ~~change in status coincides with the physician and surgeon's license~~
36 ~~renewal date. The board shall refund any fees paid by a physician~~
37 ~~and surgeon to change from retired to active status after January~~
38 ~~1, 2004, and before January 1, 2005, unless the change in status~~
39 ~~coincides with the physician and surgeon's license renewal date.~~

SEC. 4. Section 2531 of the Business and Professions Code is amended to read:

2531. There is in the Department of Consumer Affairs a Speech-Language Pathology and Audiology Board in which the enforcement and administration of this chapter is vested. The Speech-Language Pathology and Audiology Board shall consist of nine members, three of whom shall be public members.

This section shall become inoperative on July 1, 2007, and, as of January 1, 2008, is repealed, unless a later enacted statute, that becomes effective on or before January 1, 2008, deletes or extends the inoperative and repeal dates.

SEC. 4.5. *Section 2531.1 of the Business and Professions Code is amended to read:*

2531.1. (a) Each member of the board shall hold office for a term of four years, and shall serve until the appointment and qualification of his or her successor or until one year ~~shall have~~ *has* elapsed since the expiration of the term for which he or she was appointed, whichever first occurs. No member may serve for more than two consecutive terms.

(b) *Notwithstanding the four-year terms set by subdivision (a), members of the board appointed to a term commencing on November 1, 2004, shall serve the terms set forth below. Each of these terms shall count as a full term for purposes of subdivision (a).*

(1) *The two public members appointed by the Senate Committee on Rules and the Speaker of the Assembly, respectively, shall each serve a term of one year.*

(2) *One licensed speech-language pathologist and one licensed audiologist, as designated by the appointing power, shall each serve a term of two years.*

(3) *One licensed speech-language pathologist and one licensed audiologist, as designated by the appointing power, and the public member who is a licensed physician and surgeon, board certified in otaryngology, shall each serve a term of three years.*

(4) *One licensed speech-language pathologist and one licensed audiologist, as designated by the appointing power, shall each serve a term of four years.*

SEC. 5. Section 2570.19 of the Business and Professions Code is amended to read:

1 2570.19. (a) There is hereby created a California Board of
2 Occupational Therapy, hereafter referred to as the board. The
3 board shall enforce and administer this chapter.

4 (b) The members of the board shall consist of the following:

5 (1) Three occupational therapists who shall have practiced
6 occupational therapy for five years.

7 (2) One occupational therapy assistant who shall have assisted
8 in the practice of occupational therapy for five years.

9 (3) Three public members who shall not be licentiates of the
10 board or of any board referred to in Section 1000 or 3600.

11 (c) The Governor shall appoint the three occupational
12 therapists and one occupational therapy assistant to be members of
13 the board. The Governor, the Senate Rules Committee, and the
14 Speaker of the Assembly shall each appoint a public member. Not
15 more than one member of the board shall be appointed from the
16 full-time faculty of any university, college, or other educational
17 institution.

18 (d) All members shall be residents of California at the time of
19 their appointment. The occupational therapist and occupational
20 therapy assistant members shall have been engaged in rendering
21 occupational therapy services to the public, teaching, or research
22 in occupational therapy for at least five years preceding their
23 appointments.

24 (e) The public members may not be or have ever been
25 occupational therapists or occupational therapy assistants or in
26 training to become occupational therapists or occupational therapy
27 assistants. The public members may not be related to or have a
28 household member who is an occupational therapist or an
29 occupational therapy assistant, and may not have had within two
30 years of the appointment a substantial financial interest in a person
31 regulated by the board.

32 (f) The Governor shall appoint two board members for a term
33 of one year, two board members for a term of two years, and one
34 board member for a term of three years. Appointments made
35 thereafter shall be for four-year terms, but no person shall be
36 appointed to serve more than two consecutive terms. Terms shall
37 begin on the first day of the calendar year and end on the last day
38 of the calendar year or until successors are appointed, except for
39 the first appointed members who shall serve through the last
40 calendar day of the year in which they are appointed, before

commencing the terms prescribed by this section. Vacancies shall be filled by appointment for the unexpired term. The board shall annually elect one of its members as president.

(g) The board shall meet and hold at least one regular meeting annually in the Cities of Sacramento, Los Angeles, and San Francisco. The board may convene from time to time until its business is concluded. Special meetings of the board may be held at any time and place designated by the board.

(h) Notice of each meeting of the board shall be given in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(i) Members of the board shall receive no compensation for their services but shall be entitled to reasonable travel and other expenses incurred in the execution of their powers and duties in accordance with Section 103.

(j) The appointing power shall have the power to remove any member of the board from office for neglect of any duty imposed by state law, for incompetency, or for unprofessional or dishonorable conduct.

(k) A loan is hereby authorized from the General Fund to the Occupational Therapy Fund on or after July 1, 2000, in an amount of up to one million dollars (\$1,000,000) to fund operating, personnel, and other startup costs of the board. Six hundred ten thousand dollars (\$610,000) of this loan amount is hereby appropriated to the board to use in the 2000–01 fiscal year for the purposes described in this subdivision. In subsequent years, funds from the Occupational Therapy Fund shall be available to the board upon appropriation by the Legislature in the annual Budget Act. The loan shall be repaid to the General Fund over a period of up to five years, and the amount paid shall also include interest at the rate accruing to moneys in the Pooled Money Investment Account. The loan amount and repayment period shall be minimized to the extent possible based upon actual board financing requirements as determined by the Department of Finance.

(l) This section shall become inoperative on July 1, 2007, and, as of January 1, 2008, is repealed, unless a later enacted statute that is enacted before January 1, 2008, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this

1 section renders the board subject to the review required by
2 Division 1.2 (commencing with Section 473).

3 ~~SEC. 6. Section 2725 of the Business and Professions Code~~
4 ~~is amended to read:~~

5 ~~2725. (a) In amending this section at the 1973-74 session, the~~
6 ~~Legislature recognizes that nursing is a dynamic field, the practice~~
7 ~~of which is continually evolving to include more sophisticated~~
8 ~~patient care activities. It is the intent of the Legislature in~~
9 ~~amending this section at the 1973-74 session to provide clear legal~~
10 ~~authority for functions and procedures that have common~~
11 ~~acceptance and usage. It is the legislative intent also to recognize~~
12 ~~the existence of overlapping functions between physicians and~~
13 ~~registered nurses and to permit additional sharing of functions~~
14 ~~within organized health care systems that provide for~~
15 ~~collaboration between physicians and registered nurses. These~~
16 ~~organized health care systems include, but are not limited to,~~
17 ~~health facilities licensed pursuant to Chapter 2 (commencing with~~
18 ~~Section 1250) of Division 2 of the Health and Safety Code, clinics,~~
19 ~~home health agencies, physicians' offices, and public or~~
20 ~~community health services.~~

21 ~~(b) The practice of nursing within the meaning of this chapter~~
22 ~~means those functions, including basic health care, that help~~
23 ~~people cope with difficulties in daily living that are associated with~~
24 ~~their actual or potential health or illness problems or the treatment~~
25 ~~thereof, and that require a substantial amount of scientific~~
26 ~~knowledge or technical skill, including all of the following:~~

27 ~~(1) Direct and indirect patient care services that ensure the~~
28 ~~safety, comfort, personal hygiene, and protection of patients; and~~
29 ~~the performance of disease prevention and restorative measures.~~

30 ~~(2) Direct and indirect patient care services, including, but not~~
31 ~~limited to, the administration of medications and therapeutic~~
32 ~~agents, necessary to implement a treatment, disease prevention, or~~
33 ~~rehabilitative regimen ordered by and within the scope of licensure~~
34 ~~of a physician, dentist, podiatrist, or clinical psychologist, as~~
35 ~~defined by Section 1316.5 of the Health and Safety Code.~~

36 ~~(3) The performance of skin tests, immunization techniques,~~
37 ~~and the withdrawal of human blood from veins and arteries.~~

38 ~~(4) Observation of signs and symptoms of illness, reactions to~~
39 ~~treatment, general behavior, or general physical condition, and (A)~~
40 ~~determination of whether the signs, symptoms, reactions,~~

behavior, or general appearance exhibit abnormal characteristics, and (B) implementation, based on observed abnormalities, of appropriate reporting, or referral, or standardized procedures, or changes in treatment regimen in accordance with standardized procedures, or the initiation of emergency procedures.

(c) “Standardized procedures,” as used in this section, means either of the following:

(1) Policies and protocols developed by a health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code through collaboration among administrators and health professionals including physicians and nurses.

(2) Policies and protocols developed through collaboration among administrators and health professionals, including physicians and nurses, by an organized health care system which is not a health facility licensed pursuant to Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code.

The policies and protocols shall be subject to any guidelines for standardized procedures that the Division of Licensing of the Medical Board of California and the Board of Registered Nursing may jointly promulgate. If promulgated, the guidelines shall be administered by the Board of Registered Nursing.

(d) Nothing in this section shall be construed to require approval of standardized procedures by the Division of Licensing of the Medical Board of California, or by the Board of Registered Nursing.

(e) No state agency other than the board may define or interpret the practice of nursing for those licensed pursuant to the provisions of this chapter, or develop standardized procedures or protocols pursuant to this chapter, unless so authorized by this chapter, or specifically required under state or federal statute. “State agency” includes every state office, officer, department, division, bureau, board, authority, and commission. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the State Department of Health Services may implement this section by means of a provider bulletin or similar instruction, without taking regulatory action.

SEC. 6.5.

1 SEC. 6. Section 3010.1 of the Business and Professions Code,
2 as added by Section 16 of Chapter 1150 of the Statutes of 2002, is
3 amended and renumbered to read:

4 3010.5. (a) There is in the Department of Consumer Affairs
5 a State Board of Optometry in which the enforcement of this
6 chapter is vested. The board consists of 11 members, five of whom
7 shall be public members.

8 Six members of the board shall constitute a quorum.

9 (b) The board shall, with respect to conducting investigations,
10 inquiries, and disciplinary actions and proceedings, have the
11 authority previously vested in the board as created pursuant to
12 Section 3010. The board may enforce any disciplinary actions
13 undertaken by that board.

14 (c) This section shall remain in effect only until July 1, 2008,
15 and, as of January 1, 2009, is repealed, unless a later enacted
16 statute, that is enacted before January 1, 2009, deletes or extends
17 that date.

18 SEC. 7. Section 3014.6 of the Business and Professions Code
19 is amended to read:

20 3014.6. (a) The board may appoint a person exempt from
21 civil service who shall be designated as an executive officer and
22 who shall exercise the powers and perform the duties delegated by
23 the board and vested in him or her by this chapter.

24 (b) This section shall become inoperative on July 1, 2008, and,
25 as of January 1, 2009, is repealed, unless a later enacted statute,
26 that is enacted before January 1, 2009, deletes or extends the dates
27 on which it becomes inoperative and is repealed.

28 SEC. 8. Section 4200.3 of the Business and Professions Code
29 is amended to read:

30 4200.3. (a) The examination process shall be regularly
31 reviewed pursuant to Section 139.

32 (b) The examination process shall meet the standards and
33 guidelines set forth in the Standards for Educational and
34 Psychological Testing and the Federal Uniform Guidelines for
35 Employee Selection Procedures. The board shall work with the
36 Office of Examination Resources of the department or with an
37 equivalent organization who shall certify at minimum once every
38 five years that the examination process meets these national testing
39 standards. If the department determines that the examination
40 process fails to meet these standards, the board shall terminate its

1 use of the North American Pharmacy Licensure Examination and
2 shall use only the written and practical examination developed by
3 the board.

4 (c) The examination shall meet the mandates of subdivision (a)
5 of Section 12944 of the Government Code.

6 (d) The board shall work with the Office of Examination
7 Resources or with an equivalent organization to develop the state
8 jurisprudence examination to ensure that applicants for licensure
9 are evaluated on their knowledge of applicable state laws and
10 regulations.

11 (e) The board shall annually publish the pass and fail rates for
12 the pharmacist's licensure examination administered pursuant to
13 Section 4200, including a comparison of historical pass and fail
14 rates before utilization of the North American Pharmacist
15 Licensure Examination.

16 (f) The board shall report to the Joint Committee on Boards,
17 Commissions, and Consumer Protection and the department as
18 part of its next scheduled review, the pass rates of applicants who
19 sat for the national examination compared with the pass rates of
20 applicants who sat for the prior state examination. This report shall
21 be a component of the evaluation of the examination process that
22 is based on psychometrically sound principles for establishing
23 minimum qualifications and levels of competency.

24 SEC. 8.5. Section 4928 of the Business and Professions Code
25 is amended to read:

26 4928. The Acupuncture Board, which consists of nine
27 members, shall enforce and administer this chapter.

28 This section shall become inoperative on July 1, 2006, and, as
29 of January 1, 2007, is repealed, unless a later enacted statute,
30 which becomes effective on or before January 1, 2007, deletes or
31 extends the dates on which it becomes inoperative and is repealed.

32 The repeal of this section renders the board subject to the review
33 required by Division 1.2 (commencing with Section 473).

34 SEC. 9. Section 4934 of the Business and Professions Code
35 is amended to read:

36 4934. The board shall employ personnel necessary for the
37 administration of this chapter; however, the board may appoint an
38 executive officer who is exempt from the provisions of the Civil
39 Service Act.

1 This section shall become inoperative on July 1, 2006, and, as
2 of January 1, 2007, is repealed, unless a later enacted statute,
3 which becomes effective on or before January 1, 2007, deletes or
4 extends the dates on which it becomes inoperative and is repealed.

5 The repeal of this section renders the board subject to the review
6 required by Division 1.2 (commencing with Section 473).

7 SEC. 10. Section 4980.40 of the Business and Professions
8 Code is amended to read:

9 4980.40. To qualify for a license, an applicant shall have all
10 the following qualifications:

11 (a) Applicants applying for licensure on or after January 1,
12 1988, shall possess a doctor's or master's degree in marriage,
13 family, and child counseling, marital and family therapy,
14 psychology, clinical psychology, counseling psychology, or
15 counseling with an emphasis in either marriage, family, and child
16 counseling or marriage and family therapy, obtained from a
17 school, college, or university accredited by the Western
18 Association of Schools and Colleges, or approved by the Bureau
19 for Private Postsecondary and Vocational Education. The board
20 has the authority to make the final determination as to whether a
21 degree meets all requirements, including, but not limited to, course
22 requirements, regardless of accreditation or approval. For
23 purposes of this chapter, the term "approved by the Bureau for
24 Private Postsecondary and Vocational Education" shall mean
25 unconditional approval existing at the time of the applicant's
26 graduation from the school, college, or university. In order to
27 qualify for licensure pursuant to this subdivision, a doctor's or
28 master's degree program shall be a single, integrated program
29 primarily designed to train marriage and family therapists and
30 shall contain no less than 48 semester or 72 quarter units of
31 instruction. The instruction shall include no less than 12 semester
32 units or 18 quarter units of coursework in the areas of marriage,
33 family, and child counseling, and marital and family systems
34 approaches to treatment.

35 The coursework shall include all of the following areas:

36 (1) The salient theories of a variety of psychotherapeutic
37 orientations directly related to marriage and family therapy, and
38 marital and family systems approaches to treatment.

(2) Theories of marriage and family therapy and how they can be utilized in order to intervene therapeutically with couples, families, adults, children, and groups.

(3) Developmental issues and life events from infancy to old age and their effect upon individuals, couples, and family relationships. This may include coursework that focuses on specific family life events and the psychological, psychotherapeutic, and health implications that arise within couples and families, including, but not limited to, childbirth, child rearing, childhood, adolescence, adulthood, marriage, divorce, blended families, stepparenting, and geropsychology.

(4) A variety of approaches to the treatment of children.

The board shall, by regulation, set forth the subjects of instruction required in this subdivision.

(b) (1) In addition to the 12 semester or 18 quarter units of coursework specified above, the doctor's or master's degree program shall contain not less than six semester or nine quarter units of supervised practicum in applied psychotherapeutic techniques, assessment, diagnosis, prognosis, and treatment of premarital, couple, family, and child relationships, including dysfunctions, healthy functioning, health promotion, and illness prevention, in a supervised clinical placement that provides supervised fieldwork experience within the scope of practice of a marriage and family therapist.

(2) For applicants who enrolled in a degree program on or after January 1, 1995, the practicum shall include a minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups.

(3) (A) Supervised practicum hours, as specified in this subdivision, shall be evaluated, accepted, and credited as hours for trainee experience by the board.

(B) The practicum hours shall be considered as part of the 48 semester or 72 quarter unit requirement.

(c) As an alternative to meeting the qualifications specified in subdivision (a), the board shall accept as equivalent degrees, those master's or doctor's degrees granted by educational institutions whose degree program is approved by the Commission on Accreditation for Marriage and Family Therapy Education.

(d) All applicants shall, in addition, complete the coursework or training specified in Section 4980.41.

1 (e) All applicants shall be at least 18 years of age.

2 (f) All applicants shall have at least two years' experience that
3 meets the requirements of this chapter in interpersonal
4 relationships, marriage and family therapy and psychotherapy
5 under the supervision of a licensed marriage and family therapist,
6 licensed clinical social worker, licensed psychologist, or a licensed
7 physician certified in psychiatry by the American Board of
8 Psychiatry and Neurology. Experience shall not be gained under
9 the supervision of an individual who has provided therapeutic
10 services to that applicant. For those supervisorial relationships in
11 effect on or before December 31, 1988, and which remain in
12 continuous effect thereafter, experience may be gained under the
13 supervision of a licensed physician who has completed a residency
14 in psychiatry. A person supervising another person pursuant to this
15 subdivision shall have been licensed or certified for at least two
16 years prior to acting as a supervisor, shall have a current and valid
17 license that is not under suspension or probation, and shall meet the
18 requirements established by regulations.

19 (g) The applicant shall pass a board administered written or
20 oral examination or both types of examinations, except that an
21 applicant who passed a written examination and who has not taken
22 and passed an oral examination shall instead be required to take
23 and pass a clinical vignette written examination.

24 (h) The applicant shall not have committed acts or crimes
25 constituting grounds for denial of licensure under Section 480.
26 The board shall not issue a registration or license to any person
27 who has been convicted of a crime in this or another state or in a
28 territory of the United States that involves sexual abuse of children
29 or who is required to register pursuant to Section 290 of the Penal
30 Code or the equivalent in another state or territory.

31 (i) (1) An applicant applying for intern registration who, prior
32 to December 31, 1987, met the qualifications for registration, but
33 who failed to apply or qualify for intern registration may be
34 granted an intern registration if the applicant meets all of the
35 following criteria:

36 (A) The applicant possesses a doctor's or master's degree in
37 marriage, family, and child counseling, marital and family
38 therapy, psychology, clinical psychology, counseling psychology,
39 counseling with an emphasis in marriage, family, and child
40 counseling, or social work with an emphasis in clinical social work

1 obtained from a school, college, or university currently conferring
2 that degree that, at the time the degree was conferred, was
3 accredited by the Western Association of Schools and Colleges,
4 and where the degree conferred was, at the time it was conferred,
5 specifically intended to satisfy the educational requirements for
6 licensure by the Board of Behavioral Sciences.

7 (B) The applicant's degree and the course content of the
8 instruction underlying that degree have been evaluated by the chief
9 academic officer of a school, college, or university accredited by
10 the Western Association of Schools and Colleges to determine the
11 extent to which the applicant's degree program satisfies the current
12 educational requirements for licensure, and the chief academic
13 officer certifies to the board the amount and type of instruction
14 needed to meet the current requirements.

15 (C) The applicant completes a plan of instruction that has been
16 approved by the board at a school, college, or university accredited
17 by the Western Association of Schools and Colleges that the chief
18 academic officer of the educational institution has, pursuant to
19 subparagraph (B), certified will meet the current educational
20 requirements when considered in conjunction with the original
21 degree.

22 (2) A person applying under this subdivision shall be
23 considered a trainee, as that term is defined in Section 4980.03,
24 once he or she is enrolled to complete the additional coursework
25 necessary to meet the current educational requirements for
26 licensure.

27 (j) An applicant for licensure trained in an educational
28 institution outside the United States shall demonstrate to the
29 satisfaction of the board that he or she possesses a qualifying
30 degree that is equivalent to a degree earned from a school, college,
31 or university accredited by the Western Association of Schools and
32 Colleges, or approved by the Bureau of Private Postsecondary and
33 Vocational Education. These applicants shall provide the board
34 with a comprehensive evaluation of the degree performed by a
35 foreign credential evaluation service that is a member of the
36 National Association of Credential Evaluation Services
37 (NACES), and shall provide any other documentation the board
38 deems necessary.

39 SEC. 11. Section 4980.50 of the Business and Professions
40 Code is amended to read:

1 4980.50. (a) Every applicant who meets the educational and
2 experience requirements and applies for a license as a marriage and
3 family therapist shall be examined by the board. The examinations
4 shall be as set forth in subdivision (g) of Section 4980.40. The
5 examinations shall be given at least twice a year at a time and place
6 and under supervision as the board may determine. The board shall
7 examine the candidate with regard to his or her knowledge and
8 professional skills and his or her judgment in the utilization of
9 appropriate techniques and methods.

10 (b) The board shall not deny any applicant, who has submitted
11 a complete application for examination, admission to the licensure
12 examinations required by this section if the applicant meets the
13 educational and experience requirements of this chapter, and has
14 not committed any acts or engaged in any conduct that would
15 constitute grounds to deny licensure.

16 (c) The board shall not deny any applicant, whose application
17 for licensure is complete, admission to the standard written
18 examination, nor shall the board postpone or delay any applicant's
19 standard written examination or delay informing the candidate of
20 the results of the standard written examination, solely upon the
21 receipt by the board of a complaint alleging acts or conduct that
22 would constitute grounds to deny licensure.

23 (d) If an applicant for examination who has passed the standard
24 written examination is the subject of a complaint or is under board
25 investigation for acts or conduct that, if proven to be true, would
26 constitute grounds for the board to deny licensure, the board shall
27 permit the applicant to take the clinical vignette written
28 examination for licensure, but may withhold the results of the
29 examination or notify the applicant that licensure will not be
30 granted pending completion of the investigation.

31 (e) Notwithstanding Section 135, the board may deny any
32 applicant who has previously failed either the standard written or
33 clinical vignette written examination permission to retake either
34 examination pending completion of the investigation of any
35 complaints against the applicant. Nothing in this section shall
36 prohibit the board from denying an applicant admission to any
37 examination, withholding the results, or refusing to issue a license
38 to any applicant when an accusation or statement of issues has been
39 filed against the applicant pursuant to Sections 11503 and 11504

1 of the Government Code, respectively, or the applicant has been
2 denied in accordance with subdivision (b) of Section 485.

3 (f) Notwithstanding any other provision of law, the board may
4 destroy all examination materials two years following the date of
5 an examination.

6 (g) On or after January 1, 2002, no applicant shall be eligible
7 to participate in a clinical vignette written examination if his or her
8 passing score on the standard written examination occurred more
9 than seven years before.

10 (h) An applicant who has qualified pursuant to this chapter
11 shall be issued a license as a marriage and family therapist in the
12 form that the board may deem appropriate.

13 SEC. 12. Section 4984.7 of the Business and Professions
14 Code is amended to read:

15 4984.7. The amount of the fees prescribed by this chapter that
16 relate to licensing of persons to engage in the business of marriage
17 and family therapy is that established by the following schedule:

18 (a) The fee for applications for examination received on or after
19 January 1, 1987, shall be one hundred dollars (\$100).

20 (b) The fee for issuance of the initial license shall be a
21 maximum of one hundred eighty dollars (\$180).

22 (c) For those persons whose license expires on or after January
23 1, 1996, the renewal fee shall be a maximum of one hundred eighty
24 dollars (\$180).

25 (d) The delinquency fee shall be ninety dollars (\$90). Any
26 person who permits his or her license to become delinquent may
27 have it restored only upon the payment of all fees that he or she
28 would have paid if the license had not become delinquent, plus the
29 payment of any and all outstanding delinquency fees.

30 (e) For those persons registering as interns on or after January
31 1, 1996, the registration fee shall be seventy-five dollars (\$75).

32 (f) For those persons whose registration as an intern expires on
33 or after January 1, 1996, the renewal fee shall be seventy-five
34 dollars (\$75).

35 (g) The standard written examination fee shall be one hundred
36 dollars (\$100). After successfully passing the standard written
37 examination, each applicant for the clinical vignette written
38 examination shall submit one hundred dollars (\$100). Applicants
39 failing to appear for any examination, once having been
40 scheduled, shall forfeit any examination fees paid. Effective

1 January 1, 2005, the examination fees for the standard written and
2 clinical vignette written examinations shall be based on the actual
3 cost to the board of developing, purchasing, and grading of each
4 examination, plus the actual cost to the board of administering
5 each examination. The written examination fees shall be adjusted
6 periodically by regulation to reflect the actual costs incurred by the
7 board.

8 (h) An applicant who fails any standard or clinical vignette
9 written examination may within one year from the notification
10 date of that failure, retake the examination as regularly scheduled
11 without further application upon payment of one hundred dollars
12 (\$100) for the standard written reexamination and one hundred
13 dollars (\$100) for the clinical vignette written reexamination.
14 Thereafter, the applicant shall not be eligible for further
15 examination until he or she files a new application, meets all
16 current requirements, and pays all fees required. Persons failing to
17 appear for the reexamination, once having been scheduled, shall
18 forfeit any reexamination fees paid.

19 (i) The fee for rescoring any written examination shall be
20 twenty dollars (\$20).

21 (j) The fee for issuance of any replacement registration,
22 license, or certificate shall be twenty dollars (\$20).

23 (k) The fee for issuance of a certificate or letter of good
24 standing shall be twenty-five dollars (\$25).

25 With regard to all license, examination, and other fees, the board
26 shall establish fee amounts at or below the maximum amounts
27 specified in this chapter.

28 SEC. 13. Section 4986.21 of the Business and Professions
29 Code is amended to read:

30 4986.21. (a) Only individuals who have the qualifications
31 prescribed by the board under this chapter are eligible to take the
32 examination. Every applicant who is issued a license as an
33 educational psychologist shall be examined by the board.

34 (b) Notwithstanding any other provision of law, the board may
35 destroy all examination materials two years following the date of
36 an examination.

37 SEC. 14. Section 4986.80 of the Business and Professions
38 Code is amended to read:

4986.80. The amount of the fees prescribed by this chapter that relate to the licensing of educational psychologists is that established by the following schedule:

(a) Persons applying for an original license after July 1, 1986, shall pay an application fee of one hundred dollars (\$100).

(b) The fee for issuance of the initial license shall be a maximum of one hundred fifty dollars (\$150).

(c) Persons whose license expires after January 1, 1991, shall pay a renewal fee of a maximum of one hundred fifty dollars (\$150).

(d) The delinquency fee shall be seventy-five dollars (\$75). A person who permits his or her license to become delinquent may have it restored only upon the payment of all fees that he or she would have paid if the license had not become delinquent, plus the payment of any and all delinquency fees.

(e) The written examination fee shall be one hundred dollars (\$100). Applicants failing to appear for an examination, once having been scheduled, shall forfeit any examination fees paid.

(f) The fee for each reexamination shall be the fee for each examination specified in subdivision (e). An applicant who has failed the written examination may within one year from the notification date of failure, retake that examination as regularly scheduled without further application. Thereafter, the applicant shall not be eligible for further examination until he or she files a new application, meets all current requirements, and pays all fees required. Persons failing to appear for reexamination, once having been scheduled, shall forfeit any reexamination fees paid.

(g) The fee for rescoring a written examination shall be twenty dollars (\$20).

(h) The fee for issuance of a replacement registration, license, or certificate shall be twenty dollars (\$20).

(i) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25).

With regard to all license, examination, and other fees, the board shall establish fee amounts at or below the maximum amounts specified in this chapter.

SEC. 15. Section 4992.1 of the Business and Professions Code is amended to read:

1 4992.1. (a) Only individuals who have the qualifications
2 prescribed by the board under this chapter are eligible to take the
3 examination.

4 Every applicant who is issued a clinical social worker license
5 shall be examined by the board.

6 (b) Notwithstanding any other provision of law, the board may
7 destroy all examination materials two years following the date of
8 an examination.

9 On or after January 1, 2002, no applicant shall be eligible to
10 participate in a clinical vignette written examination if his or her
11 passing score on the standard written examination occurred more
12 than seven years before.

13 SEC. 16. Section 4996.3 of the Business and Professions
14 Code is amended to read:

15 4996.3. (a) Each application for the standard written
16 examination received on or after January 1, 1999, shall be
17 accompanied by an application fee of one hundred dollars (\$100)
18 and a fee of up to one hundred fifty dollars (\$150), including the
19 standard written examination fee and related administrative costs
20 for the standard written examination. After successfully passing
21 the standard written examination, each applicant shall submit one
22 hundred dollars (\$100) for the clinical vignette written
23 examination. Applicants failing to appear for any examination,
24 once having been scheduled, shall forfeit any examination fees
25 paid. Effective January 1, 2005, the examination fees for the
26 standard written and clinical vignette written examinations shall
27 be based on the actual cost to the board of developing, purchasing,
28 and grading of each examination, plus the actual cost to the board
29 of administering each examination. The written examination fees
30 shall be adjusted periodically by regulation to reflect the actual
31 costs incurred by the board.

32 (b) The fee for rescoring any written examination shall be
33 twenty dollars (\$20).

34 (c) The fee for issuance of the initial license shall be a
35 maximum of one hundred fifty-five dollars (\$155).

36 (d) With regard to all license, examination, and other fees, the
37 board shall establish fee amounts at or below the maximum
38 amounts specified in this chapter.

39 SEC. 17. Section 4996.4 of the Business and Professions
40 Code is amended to read:



4996.4. Notwithstanding Section 4996.3, an applicant who has failed any standard or clinical vignette written examination may apply for reexamination upon payment of the fee of up to one hundred fifty dollars (\$150) including the examination fee and related administrative costs. An applicant who fails a standard or clinical vignette written examination may within one year from the notification date of failure, retake that examination as regularly scheduled, without further application, upon payment of the required examination fees. Thereafter, the applicant shall not be eligible for further examination until he or she files a new application, meets all current requirements, and pays all fees required. Applicants failing to appear for reexamination, once having been scheduled, shall forfeit any reexamination fees paid.

SEC. 18. Section 5081.1 of the Business and Professions Code is amended to read:

5081.1. Pursuant to subdivision (b) of Section 5090, an applicant for admission to the examination for a certified public accountant certificate may qualify for admission with one of the following:

(a) The applicant shall present satisfactory evidence that the applicant has either of the following:

(1) A baccalaureate degree from a university, college or other four-year institution of learning accredited by a regional institutional accrediting agency included in a list of these agencies published by the United States Secretary of Education under the requirements of the Higher Education Act of 1965 as amended (20 U.S.C. Sec. 1001 et seq.) with a major in accounting or related subjects requiring a minimum of 45 semester units of instruction in these subjects. If the applicant has received a baccalaureate degree in a nonaccounting major, the applicant shall present satisfactory evidence of study substantially the equivalent of an accounting major, including courses in related business administration subjects.

(2) A degree or degrees from a college, university, or other institution of learning located outside the United States that is approved by the board as the equivalent of the baccalaureate degree described in paragraph (1). The board may require an applicant under this paragraph to submit documentation of his or her education to a ~~credentials~~ *credential* evaluation service approved by the board for evaluation and to cause the results of this

1 evaluation to be reported to the board. The board shall adopt
2 regulations specifying the criteria and procedures for approval of
3 credential evaluation services. These regulations shall, at a
4 minimum, require that the credential evaluation service (A)
5 furnish evaluations directly to the board, (B) furnish evaluations
6 written in English, (C) be a member of the American Association
7 of Collegiate Registrars and Admission Officers, the National
8 Association of Foreign Student Affairs, or the National
9 Association of Credential Evaluation Services, (D) be used by
10 accredited colleges and universities, (E) be reevaluated by the
11 board every five years, (F) maintain a complete set of reference
12 materials as specified by the board, (G) base evaluations only upon
13 authentic, original transcripts and degrees and have a written
14 procedure for identifying fraudulent transcripts, (H) include in the
15 evaluation report, for each degree held by the applicant, the
16 equivalent degree offered in the United States, the date the degree
17 was granted, the institution granting the degree, an English
18 translation of the course titles, and the semester unit equivalence
19 for each of the courses, (I) have an appeal procedure for applicants,
20 and (J) furnish the board with information concerning the
21 credential evaluation service that includes biographical
22 information on evaluators and translators, three letters of reference
23 from public or private agencies, statistical information on the
24 number of applications processed annually for the past five years,
25 and any additional information the board may require in order to
26 ascertain that the credential evaluation service meets the standards
27 set forth in this paragraph and in any regulations adopted by the
28 board.

29 (b) The applicant shall present satisfactory evidence that the
30 applicant has successfully completed a two-year course of college
31 level study or received an associate of arts degree from a
32 community college, either institution accredited by a regional
33 institutional accrediting agency that is included in a list published
34 by the United States Secretary of Education under the provisions
35 of federal law specified in paragraph (1) of subdivision (a), and
36 that the applicant has completed a minimum of 120 semester units
37 which includes the study of accounting and related business
38 administration subjects.

39 (c) The applicant shall show to the satisfaction of the board that
40 he or she has had the equivalent of the educational qualifications

required by subdivision (b), or shall pass a preliminary written examination approved and administered by an agency approved by the California State Department of Education and shall have completed a minimum of 10 semester units or the equivalent in accounting subjects. The 10 semester units in accounting subjects shall be completed at a college, university, or other institution of higher learning accredited at the college level by an agency or association that is included in a list published by the United States Secretary of Education under the federal law specified in paragraph (1) of subdivision (a).

(d) The applicant shall be a public accountant registered under this chapter.

(e) This section shall remain in effect only until January 1, 2010, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2010, deletes or extends that date.

SEC. 19. Section 5082.2 of the Business and Professions Code is amended to read:

5082.2. A candidate who fails an examination provided for in this article shall have the right to reexamination pursuant to the provisions of this article and regulations adopted by the board.

SEC. 20. Section 5083 of the Business and Professions Code is amended to read:

5083. (a) Pursuant to subdivision (b) of Section 5090, an individual applying for licensure shall meet, to the satisfaction of the board, one of the following requirements:

(1) Four years of experience if the applicant qualified to sit for the exam by meeting the requirements of subdivision (b) or (c) of Section 5081.1.

(2) Three years of experience if the applicant qualified to sit for the exam by meeting the requirements of subdivision (a) or (d) of Section 5081.1 or meets the requirements of Section 5082.3.

(b) In order to be qualifying under this section, experience shall have been performed in accordance with applicable professional standards. Experience in public accounting may be qualifying if completed by, or in the employ of, a person licensed or otherwise having comparable authority under the laws of any state or country to engage in the practice of public accountancy. Experience in private or governmental accounting or auditing employment may be qualifying provided that this work was performed under the

1 direct supervision of an individual licensed by a state to engage in
2 the practice of public accountancy.

3 (c) Qualifying experience for licensure includes providing any
4 type of service or advice involving the use of accounting, attest,
5 compilation, management advisory, financial advisory, tax, or
6 consulting skills.

7 (d) The board shall prescribe rules related to the experience
8 requirements set forth in this section, including a requirement that
9 each applicant demonstrate to the board satisfactory experience in
10 the attest function as it relates to financial statements. For purposes
11 of this subdivision, the attest function includes audit and review of
12 financial statements.

13 (e) This section shall remain in effect only until January 1,
14 2010, and as of that date is repealed, unless a later enacted statute,
15 that is enacted before January 1, 2010, deletes or extends that date.

16 SEC. 21. Section 5084 of the Business and Professions Code
17 is amended to read:

18 5084. For applicants seeking licensure pursuant to
19 subdivision (b) of Section 5090, the board shall grant one year's
20 credit toward fulfillment of its public accounting experience
21 requirement to a graduate of a college who has completed a
22 four-year course with 45 or more semester units or the equivalent
23 thereof in the study of accounting and related business
24 administration subjects, of which at least 20 semester units or the
25 equivalent thereof shall be in the study of accounting.

26 The members of the board shall prescribe rules establishing the
27 character and variety of experience necessary to fulfill the
28 experience requirements set forth in this section.

29 This section shall remain in effect only until January 1, 2010,
30 and as of that date is repealed, unless a later enacted statute, that
31 is enacted before January 1, 2010, deletes or extends that date.

32 SEC. 22. Section 5090 of the Business and Professions Code,
33 as added by Section 15 of Chapter 704 of the Statutes of 2001, is
34 amended to read:

35 5090. (a) An applicant for the certified public accountant
36 license shall comply with the education, examination, and
37 experience requirements in either Section 5092 or 5093.

38 (b) Notwithstanding subdivision (a), an applicant who applied,
39 qualified, and sat for at least two subjects of the examination for
40 the certified public accountant license before May 15, 2002, may

1 complete the examination and qualify for licensure based on the
2 requirements in Sections 5081.1, 5082, 5082.2, 5083, 5084, and
3 applicable regulations adopted by the board that were in effect on
4 December 31, 2001, or comparable examination requirements
5 adopted by the board in the event the form or format of the
6 examination changes, provided the applicant qualifies and applies
7 for licensure before January 1, 2010.

8 SEC. 23. Section 5090 of the Business and Professions Code,
9 as added by Section 18 of Chapter 718 of the Statutes of 2001, is
10 repealed.

11 SEC. 24. Section 5092 of the Business and Professions Code,
12 as added by Section 17 of Chapter 704 of the Statutes of 2001, is
13 amended to read:

14 5092. (a) To qualify for the certified public accountant
15 license, an applicant who is applying under this section shall meet
16 the education, examination, and experience requirements
17 specified in subdivisions (b), (c), and (d), or otherwise prescribed
18 pursuant to this article. The board may adopt regulations as
19 necessary to implement this section.

20 (b) An applicant for the certified public accountant license
21 shall present satisfactory evidence that the applicant has
22 completed a baccalaureate or higher degree conferred by a college
23 or university, meeting, at a minimum, the standards described in
24 Section 5094, the total educational program to include a minimum
25 of 24 semester units in accounting subjects and 24 semester units
26 in business related subjects. This evidence shall be provided prior
27 to admission to the examination for the certified public accountant
28 license, except that an applicant who applied, qualified, and sat for
29 at least two subjects of the examination for the certified public
30 accountant license before May 15, 2002, may provide this
31 evidence at the time of application for licensure.

32 (c) An applicant for the certified public accountant license shall
33 pass an examination prescribed by the board pursuant to this
34 article.

35 (d) The applicant shall show, to the satisfaction of the board,
36 that the applicant has had two years of qualifying experience. This
37 experience may include providing any type of service or advice
38 involving the use of accounting, attest, compilation, management
39 advisory, financial advisory, tax, or consulting skills. To be
40 qualifying under this section, experience shall have been

1 performed in accordance with applicable professional standards.
2 Experience in public accounting shall be completed under the
3 supervision or in the employ of a person licensed or otherwise
4 having comparable authority under the laws of any state or country
5 to engage in the practice of public accountancy. Experience in
6 private or governmental accounting or auditing shall be completed
7 under the supervision of an individual licensed by a state to engage
8 in the practice of public accountancy.

9 SEC. 25. Section 5092 of the Business and Professions Code,
10 as added by Section 20 of Chapter 718 *of the Statutes of 2001*, is
11 repealed.

12 SEC. 26. Section 5093 of the Business and Professions Code,
13 as amended by Section 18 of Chapter 704 of the Statutes of 2001,
14 is repealed.

15 SEC. 27. Section 5093 of the Business and Professions Code,
16 as amended by Section 11 of Chapter 664 of the Statutes of 2002,
17 is amended to read:

18 5093. (a) To qualify for the certified public accountant
19 license, an applicant who is applying under this section shall meet
20 the education, examination, and experience requirements
21 specified in subdivisions (b), (c), and (d), or otherwise prescribed
22 pursuant to this article. The board may adopt regulations as
23 necessary to implement this section.

24 (b) (1) An applicant for admission to the certified public
25 accountant examination under the provisions of this section shall
26 present satisfactory evidence that the applicant has completed a
27 baccalaureate or higher degree conferred by a college or
28 university, meeting, at a minimum, the standards described in
29 Section 5094, the total educational program to include a minimum
30 of 24 semester units in accounting subjects and 24 semester units
31 in business related subjects. This evidence shall be provided at the
32 time of application for admission to the examination, except that
33 an applicant who applied, qualified, and sat for at least two
34 subjects of the examination for the certified public accountant
35 license before May 15, 2002, may provide this evidence at the time
36 of application for licensure.

37 (2) An applicant for issuance of the certified public accountant
38 license under the provisions of this section shall present
39 satisfactory evidence that the applicant has completed at least 150
40 semester units of college education including a baccalaureate or

1 higher degree conferred by a college or university, meeting, at a
2 minimum, the standards described in Section 5094, the total
3 educational program to include a minimum of 24 semester units
4 in accounting subjects and 24 semester units in business related
5 subjects. This evidence shall be presented at the time of application
6 for the certified public accountant license.

7 (c) An applicant for the certified public accountant license shall
8 pass an examination prescribed by the board.

9 (d) The applicant shall show, to the satisfaction of the board,
10 that the applicant has had one year of qualifying experience. This
11 experience may include providing any type of service or advice
12 involving the use of accounting, attest, compilation, management
13 advisory, financial advisory, tax or consulting skills. To be
14 qualifying under this section, experience shall have been
15 performed in accordance with applicable professional standards.
16 Experience in public accounting shall be completed under the
17 supervision or in the employ of a person licensed or otherwise
18 having comparable authority under the laws of any state or country
19 to engage in the practice of public accountancy. Experience in
20 private or governmental accounting or auditing shall be completed
21 under the supervision of an individual licensed by a state to engage
22 in the practice of public accountancy.

23 SEC. 28. Section 7303.2 of the Business and Professions
24 Code is amended to read:

25 7303.2. The board shall conduct the following studies and
26 reviews, and shall report its findings and recommendations to the
27 department and the Joint Committee on Boards, Commissions,
28 and Consumer Protection no later than September 1, 2005:

29 (a) The board, pursuant to Section 139 and in conjunction with
30 the Office of Examination Resources of the department, shall
31 review the 1600 hour training requirement for cosmetologists.

32 (b) The board, in conjunction with the Office of Examination
33 Resources of the department, shall evaluate the equivalency of the
34 national exam.

35 (c) The board shall conduct a study to assess the costs and
36 benefits associated with requiring all applicants to submit
37 fingerprint cards for background investigations.

38 (d) The board, in coordination with the Department of
39 Industrial Relations, shall review all components of the

1 apprenticeship program, including but not limited to, the
2 following:

3 (1) Apprenticeship curriculum requirements.

4 (2) The standards for the preapprentice trainers, program
5 sponsors, trainers, and placement establishments. The board shall
6 pay particular attention to ways to eliminate duplicative
7 regulations.

8 (e) The board shall review all components of the externship
9 program. In addition to structural changes, the board shall address
10 the following:

11 (1) Whether the program should be eliminated.

12 (2) Whether the program should be available to all students, not
13 just cosmetology students attending private schools.

14 (3) Whether the students should be paid.

15 (f) The board shall assess the costs and benefits associated with
16 same day licensing. If the board determines that the benefits of
17 same day licensing outweigh the costs, the board shall
18 immediately plan and implement safety measures to protect site
19 staff and undispersed licenses.

20 (g) The board, in conjunction with the Office of Examination
21 Resources of the department, shall assess the validity of aggregate
22 scoring for board applicants.

23 SEC. 29. *Section 94779.1 of the Education Code is amended*
24 *to read:*

25 94779.1. (a) The bureau shall work together with the staff of
26 the Joint Committee on Boards, Commissions, and Consumer
27 Protection, along with representatives of regulated institutions, the
28 California Postsecondary Education Commission, the California
29 Student Aid Commission, students, and other interested parties to
30 revise this chapter to streamline its provisions and eliminate
31 contradictions, redundancies, ambiguities, conflicting provisions,
32 and unnecessary provisions, including consideration of having
33 accreditation by the United States Department of Education
34 approved regional accrediting bodies replace some of the bureau's
35 approval requirements of degree-granting institutions,
36 educational programs, and instructors. In addition, the bureau, in
37 conjunction with these various entities, shall evaluate the
38 provisions of this chapter to determine what additional changes are
39 advisable to improve the effectiveness of the state's regulation of
40 private postsecondary and vocational education, including, but not

limited to, the need to regulate out-of-state postsecondary institutions that offer educational programs to California students via the Internet and the feasibility of that regulation, and the type and timeliness of information required to be provided to the bureau.

(b) The bureau shall objectively assess the cost of meeting its statutory obligations, determine the staffing necessary to meet those obligations, determine whether the current fee structure allows for collection of revenue sufficient to support the necessary staffing, and report that information to the Director of Consumer Affairs and the Joint Committee on Boards, Commissions, and Consumer Protection by ~~October 1, 2004~~ *March 1, 2005*.

(c) The bureau shall continue to make additional improvements to its data collection and dissemination systems so that it will provide improved reporting of information regarding the private postsecondary and vocational education sector, and improved monitoring of reports, initial and renewal applications, complaint and enforcement records, and collection of fees among other information necessary to serve the bureau's wide-ranging data management needs effectively.

SEC. 30. Section 12231 of the Government Code is amended to read:

12231. (a) In carrying out the provisions of this article, the Secretary of State shall consult with and give consideration to the recommendations of the California Heritage Preservation Commission, which for such purpose shall serve in an advisory capacity to the Secretary of State.

(b) This section shall become inoperative on July 1, 2006, and, as of January 1, 2007, is repealed, unless a later enacted statute that is enacted before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

~~SEC. 30.~~

SEC. 31. Section 14999 of the Government Code is amended to read:

14999. The Commission for Economic Development, hereinafter referred to as the commission, is continued in existence. The purpose of the commission is to provide continuing bipartisan legislative, executive branch and private sector support and guidance for the best possible overall economic development of the state by any and all of the following means:

1 (a) Assessing specific regional or local economic development
2 problems and making recommendations for solving problems.

3 (b) Providing a forum for ongoing dialogue on economic issues
4 between state government and the private sector.

5 (c) Recommending, where deemed appropriate, legislation to
6 require evaluation of demonstration and ongoing economic
7 development projects and programs to ensure continued cost
8 effectiveness.

9 (d) Identifying and reporting important secondary effects on
10 economic development of programs and regulations which may
11 have other primary purposes.

12 (e) Undertaking specialized studies and preparing specialized
13 reports at the request of the Governor or Legislature.

14 This section shall become inoperative on July 1, 2006, and, as
15 of January 1, 2007, is repealed, unless a later enacted statute that
16 is enacted before January 1, 2007, deletes or extends the dates on
17 which it becomes inoperative and is repealed.

18 ~~SEC. 31.~~

19 *SEC. 32.* Section 80.2 of the Harbors and Navigation Code is
20 amended to read:

21 80.2. The commission shall be composed of seven members
22 appointed by the Governor, with the advice and consent of the
23 Senate. The members shall have experience and background
24 consistent with the functions of the commission. In making
25 appointments to the commission, the Governor shall give primary
26 consideration to geographical location of the residence of
27 members as related to boating activities and harbors. In addition
28 to geographical considerations, the members of the commission
29 shall be appointed with regard to their special interests in
30 recreational boating. At least one of the members shall be a
31 member of a recognized statewide organization representing
32 recreational boaters. One member of the commission shall be a
33 private small craft harbor owner and operator. One member of the
34 commission shall be an officer or employee of a law enforcement
35 agency responsible for enforcing boating laws. The first vacancy
36 occurring on the commission on and after January 1, 1997, shall
37 be filled by such an officer or employee.

38 The Governor shall appoint the first seven members of the
39 commission for the following terms to expire on January 15: one
40 member for one year, two members for two years, two members

1 for three years, and two members for four years. Thereafter,
2 appointments shall be for a four-year term. Vacancies occurring
3 prior to the expiration of the term shall be filled by appointment
4 for the unexpired term.

5 This section shall become inoperative on July 1, 2006, and, as
6 of January 1, 2007, is repealed, unless a later enacted statute that
7 is enacted before January 1, 2007, deletes or extends the dates on
8 which it becomes inoperative and is repealed.

9 ~~SEC. 32.~~

10 *SEC. 33.* Section 5090.15 of the Public Resources Code is
11 amended to read:

12 5090.15. (a) There is in the department the Off-Highway
13 Motor Vehicle Recreation Commission, consisting of seven
14 members, three of whom shall be appointed by the Governor, two
15 of whom shall be appointed by the Senate Committee on Rules,
16 and two of whom shall be appointed by the Speaker of the
17 Assembly.

18 (b) In order to be appointed to the commission, a nominee shall
19 represent one or more of the following groups:

- 20 (1) Off-highway vehicle recreation interests.
- 21 (2) Biological or soil scientists.
- 22 (3) Groups or associations of predominantly rural landowners.
- 23 (4) Law enforcement.
- 24 (5) Environmental protection organizations.
- 25 (6) Nonmotorized recreationist interests.

26 It is the intent of the Legislature that appointees to the
27 commission represent all of the groups delineated in paragraphs
28 (1) to (6), inclusive, to the extent possible.

29 (c) Whenever any reference is made to the State Park and
30 Recreation Commission pertaining to a duty, power, purpose,
31 responsibility, or jurisdiction of the State Park and Recreation
32 Commission with respect to the state vehicular recreation areas, as
33 established by this chapter, it shall be deemed to be a reference to,
34 and to mean, the Off-Highway Motor Vehicle Recreation
35 Commission.

36 (d) Based on the findings in the 2004 Off-Highway Vehicle
37 Fuel Tax Study, the division shall, not later than January 1, 2005,
38 prepare and submit to the Legislature a report that identifies the
39 principal reasons why people are using off-road trails, as a means

1 of assisting in the determination of how fuel tax funds should be
2 expended.

3 (e) This section shall become inoperative on July 1, 2006, and,
4 as of January 1, 2007, is repealed, unless a later enacted statute that
5 is enacted before January 1, 2007, deletes or extends the dates on
6 which it becomes inoperative and is repealed.

7 ~~SEC. 33.—~~

8 *SEC. 34. Section 5090.15 of the Public Resources Code is*
9 *amended to read:*

10 5090.15. (a) There is in the department the Off-Highway
11 Motor Vehicle Recreation Commission, consisting of seven
12 members, three of whom shall be appointed by the Governor, two
13 of whom shall be appointed by the Senate Committee on Rules,
14 and two of whom shall be appointed by the Speaker of the
15 Assembly.

16 (b) In order to be appointed to the commission, a nominee shall
17 represent one or more of the following groups:

- 18 (1) Off-highway vehicle recreation interests.
- 19 (2) Biological or soil scientists.
- 20 (3) Groups or associations of predominantly rural landowners.
- 21 (4) Law enforcement.
- 22 (5) Environmental protection organizations.
- 23 (6) Nonmotorized recreationist interests.

24 It is the intent of the Legislature that appointees to the
25 commission represent all of the groups delineated in paragraphs
26 (1) to (6), inclusive, to the extent possible.

27 (c) Whenever any reference is made to the State Park and
28 Recreation Commission pertaining to a duty, power, purpose,
29 responsibility, or jurisdiction of the State Park and Recreation
30 Commission with respect to the state vehicular recreation areas, as
31 established by this chapter, it shall be deemed to be a reference to,
32 and to mean, the Off-Highway Motor Vehicle Recreation
33 Commission.

34 (d) Based on the findings in the 2004 Off-Highway Vehicle
35 Fuel Tax Study, the division shall, not later than January 1, 2005,
36 prepare and submit to the Legislature a report that identifies the
37 principal reasons why people are using off-road trails *and*
38 *facilities, and an estimate of the proportional amount of*
39 *off-highway motor vehicle use by jurisdiction*, as a means of

1 assisting in the determination of how fuel tax *and in lieu of*
2 *property tax* funds should be expended.

3 *(e) This section shall become inoperative on July 1, 2006, and,*
4 *as of January 1, 2007, is repealed, unless a later enacted statute*
5 *that is enacted before January 1, 2007, deletes or extends the dates*
6 *on which it becomes inoperative and is repealed.*

7 SEC. 35. *Section 34 of this bill incorporates amendments*
8 *to Section 5090.15 of the Public Resources Code proposed by both*
9 *this bill and AB 2666. It shall only become operative if (1) both*
10 *bills are enacted and become effective on or before January 1,*
11 *2005, (2) each bill amends Section 5090.15 of the Public*
12 *Resources Code, and (3) this bill is enacted after AB 2666, in*
13 *which case Section 33 of this bill shall not become operative.*

14 SEC. 36. This act is an urgency statute necessary for the
15 immediate preservation of the public peace, health, or safety
16 within the meaning of Article IV of the Constitution and shall go
17 into immediate effect. The facts constituting the necessity are:

18 In order that the provisions of this act may be implemented at
19 the earliest possible time, it is necessary for this act to take effect
20 immediately.

